



SDMS DocID 2008916

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

NOV 25 2003

Solutia, Inc.  
Brent Gilhousen, Assistant General Counsel  
575 Maryville Centre Drive  
St. Louis, MO 63166-6760

**Re: Follow-up 104(e) Request - Solutia, Inc.  
Lower Darby Creek Area Superfund Site  
Delaware and Philadelphia Counties, Pennsylvania**

Dear Mr. Gilhousen:

The U.S. Environmental Protection Agency ("EPA") has received the response of Solutia, Inc ("Solutia") to its August 8, 2001 Information Request. Based on that response and information obtained by EPA as part of its continuing investigation, EPA is seeking additional information concerning the waste disposal activities of Monsanto Company in Philadelphia between 1958 and 1976.

**EPA has reviewed your previous information request responses dated August 30, 2001 and October 1, 2001. Subsequent to EPA's receipt of those responses, EPA has obtained a witness interview that indicate that Monsanto transported waste from its New Jersey plants to the Folcroft Landfill in Monsanto's own box trucks (copy attached). EPA has determined that additional information and clarification is needed in order to complete its investigation of the Site. EPA hereby requests that Solutia respond completely and timely to the information requested in Enclosure F to this letter.**

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), Solutia is required to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of its employees or agents which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33), 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the above referenced facility.



Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter. The response must be signed by an authorized official of Solutia. If, for any reason, you do not provide all information responsive to this letter, in your answer to EPA you must: (1) describe specifically what was not provided, (2) supply to EPA a clear identification of the document(s) not provided, and (3) provide to EPA an appropriate reason why the document(s) was not provided.

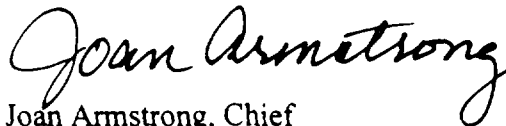
All documents and information should be sent to:

Carlyn Winter Prisk (3HS11)  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any question concerning this matter, please contact Carlyn Winter Prisk at (215) 814-2625 or you may have your attorney contact Brian Nishitani, Senior Assistant Regional Counsel, at (215) 814-2675.

Sincerely,



Joan Armstrong, Chief  
PRP Investigation and  
Site Information Section

Enclosures:    Enclosure A: Lower Darby Creek Area Site Map  
                  Enclosure B: List of Contractors that May Review Your Response  
                  Enclosure C: Business Confidentiality Claims/Disclosure of Your Response to  
  EPA Contractors and Grantees  
                  Enclosure D: Definitions  
                  Enclosure E: Instructions  
                  Enclosure F: Information Requested

cc: Brian Nishitani , Esq. (3RC44)  
Carlyn Prisk (3HS11)  
April Flipse (PADEP)  
Craig Oliwiler (PADEP)

Enclosure A



List of Contractors That May Review Your Response

- Daston Corporation -  
Contract #68-S3-01-01  
Subcontractor to Daston Corporation is:  
Dynamac Corporation  
Tri State Enterprise Incorporated
  - Tetra Tech EM, Inc. -  
Contract #68-S3-0002  
Subcontractor to Tetra Tech EM, Inc. is:  
Eagle Instruments, Inc.
  - Ecology and Environment, Inc. -  
Contract #68-S3-0001  
Subcontractor to Ecology and  
Environment, Inc. is:  
S & S Engineers, Inc.
  - IT Corporation - Contract #68-S3-00-06  
Subcontracts to IT Corporation are:  
Weavertown Environmental Group  
Environmental Restoration Company
  - Earth Tech, Inc. - Contract #68-S3-00-07  
Subcontractors to Earth Tech, Inc. are:  
Industrial Marine Services, Inc.  
Cline Oil  
Hertz Equipment Rental
  - Tetra Tech NUS Inc. -  
Contract #68-S6-3003  
Subcontractors to Tetra Tech NUS Inc.  
are:  
Gannett Fleming, Inc.  
Dynamic Corporation  
C. C. Johnson & Malhotra, P.C.
  - CDM-Federal Programs Corporation -  
Contract #68-S7-3003  
Subcontractors to CDM-Federal  
Programs Corporation are:  
Tetra Tech EM, Inc.  
Robert Kimball & Associates  
PMA & Associates  
Horne Engineering  
Pacific Environmental Services
  - Black and Veatch Waste Science and  
Technology Corporation/Tetra Tech,  
Inc. - Contract #68-S7-3002  
Subcontractor:  
Enviro Consultants Group
  - Universe Technologies -  
Contract #68-S3-99-02
  - Tech Law, Inc. -  
Contract #68-W-00-108
  - WRS Infrastructure & Environment,  
Inc. - Contract # 68-S3-03-02
  - Kemron Environmental Services  
Contract # 68-S3-03-05
  - Industrial Marine Services, Inc.  
Contract # 68-S3-03-03
  - Guardian Environmental Services, Inc.  
68-S3-03-04
- List of Inter-Agency Agreements
- General Services Administration  
CERCLA File Room  
Contractor: Booz-Allen & Hamilton
  - General Services Administration  
Spectron Superfund Site  
Contractor: Booz-Allen & Hamilton
  - General Services Administration  
Breslube Penn Superfund Site  
Contractor: Booz-Allen & Hamilton
- List of Cooperative Agreements
- National Association of Hispanic  
Elderly - #CQ-822511
  - AARP Foundation (Senior  
Environmental Employment) -  
#824021  
#823952

Enclosure C

**Business Confidentiality Claims**

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you.

**Disclosure of Your Response to EPA Contractors and Grantees**

EPA may contract with one or more independent contracting firms (see Enclosure B) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for agency personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to CERCLA, 42 U.S.C. § 9604(e)(7) and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in the attachment, you must notify EPA in writing at the time you submit such documents.

## Enclosure D

### **Definitions**

- The term "**arrangement**" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "**documents**" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "**hazardous substance**" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
- The term "**pollutant or contaminant**" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release

into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.



## Enclosure E

### **Instructions**

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure C, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

**Information Requested**

1. In regard to the disposal of waste by Monsanto at the Folcroft Landfill using Monsanto's own box trucks, please identify:
  - a. The dates or time periods during which such material was removed or transported for disposal;
  - b. The nature of such material, including the chemical content, characteristics and physical state (i.e. liquid, solid, or gas);
  - c. The annual quantity, (number of loads, gallons, drums etc.) of such materials;
  - d. The manner in which such material was contained or transported for shipment or disposal;
  - e. The location to which such material was transported for disposal (Folcroft Landfill or Folcroft Landfill Annex);
  - f. The persons who selected the location to which such material was transported for disposal;
  - g. The individuals employed by Monsanto, including truck drivers, dispatchers, managers, etc. who removed or transported such material; and,
  - h. Any billing information and documents (invoices, trip tickets, manifests, hauling contracts, etc.) in Solutia's possession regarding arrangement made to remove or transport such material.
2. Solutia's October 1, 2001 response identifies documents regarding waste generated at Monsanto's Delaware River facility in Bridgewater, NJ. Specifically, one document identifies waste from the Santosol 100 process going to a landfill. In addition, Monsanto's documents state that inert ash from the incineration of process treatment units was sent off-site by a commercial hauler. For each such waste stream, answer each of the sub-parts in Question 1, above, and indicate the company or individual which transported the waste stream for disposal.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

# **LOWER DARBY CREEK AREA SUPERFUND SITE**

## **CONFIDENTIAL SOURCE**

### **23**



**Name:** [REDACTED] (WITNESS)

**Affiliation:** Former Area Resident and former Bulldozer Operator at Folcroft Landfill

**Telephone:** [REDACTED]

**Type of Interview:** In-Person

**Date of Interview:** December 17, 2002 and December 19, 2002

On December 17, 2002 and December 19, 2002 the WITNESS was interviewed at his residence by Michael McCloskey of Tri-State Enterprise. The WITNESS was interviewed as part of the potentially responsible party search currently being conducted under Work Assignment No. ES-002 involving the Lower Darby Creek Area, Delaware County, PA (the "Site"). This interview focused on the Folcroft Landfill (Folcroft). The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked and advised that the interview was voluntary. The WITNESS advised that he is not represented by an attorney in this matter and did not want an attorney. No other persons were present and this interview was not tape-recorded.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for area residents and former employees.

The WITNESS was shown an aerial photograph of the Folcroft Landfill and this aerial photograph was used throughout the interview. This aerial photograph is attached to this interview summary.

The WITNESS was asked to explain his association with the Folcroft Landfill.

The WITNESS stated that he used to live at [REDACTED] in Folcroft. He indicated that he lived at this address until he was 20 years old. The WITNESS stated that the Folcroft Landfill was [REDACTED] and that when he was in his early teens he played and hunted on the Folcroft Landfill.

The WITNESS stated that from 1969 to 1972, he worked for Ed Mullen on the Folcroft Landfill on a part-time basis. The WITNESS stated that he worked as a bulldozer operator on the Folcroft Landfill when needed. The WITNESS stated that Ed Mullen would call him in. The WITNESS stated that he worked on the Landfill on an average of 3 to 4 days each week.

The WITNESS stated that he was paid in cash by Ed Mullen on a daily basis. The WITNESS stated that he did not get checks and that his income was "under the table". The WITNESS explained that as the bulldozer operator, he would move waste and cover waste with dirt when needed.

- **duPont Company, Delaware:** The WITNESS stated that the duPont Company in Delaware also had waste disposed of at Folcroft. He indicated that duPont operated its own trucks. The WITNESS stated that these trucks had the duPont name printed on the cab doors. He described the trucks as 18-wheel tractor-trailers with Delaware tags. The WITNESS stated that this waste included cans and cardboard boxes. He indicated that the cans and cardboard boxes contained a sludge that had a sulfur odor. The WITNESS did not know the specific location this waste came from.
- **Scott Paper:** The WITNESS stated that Scott Paper had its own trucks and also used contract waste haulers. The WITNESS stated that the Scott Paper Company that had its own trucks was the research and development facility located in Essington, PA. The WITNESS stated that one of the drivers had told him where the waste came from. The WITNESS stated that the Scott Paper trucks were dump trucks with the name Scott Paper printed on the doors. The WITNESS stated that Eastern Industrial also brought in 40-cubic yard containers from this location. The WITNESS described this waste as brown sludge and paper.
- **Jordan Chemical Company (Jordan):** The WITNESS stated that Jordan Chemical Company had a 40-cubic yard roll-off container brought to Folcroft by Eastern Industrial. He stated that Jordan was located [REDACTED] and he had observed Eastern Industrial pick up this container. the WITNESS described this waste as a red sludge. The WITNESS stated that Jordan also had a pipe leading from the plant to a stream behind the plant and that a red liquid waste was piped into this stream. The WITNESS stated that in approximately 1970, Wilbur Henderson put a pipe over the stream so the Jordan waste was not observed going into the stream. The WITNESS stated that this stream fed into Darby Creek at the base of the Folcroft Landfill. The WITNESS stated that this waste was also acidic and that [REDACTED] had burned himself on the pipe.
- **Philadelphia Electric Company:** The WITNESS stated that Philadelphia Electric Company had its own trucks that transported waste to Folcroft in dump trucks with the name "Philadelphia Electric" printed on the doors. The WITNESS described this waste as wood, paper cardboard and wires.
- **Marvin Jonas:** The WITNESS stated that a tanker truck with liquid waste disposed of this liquid waste at Folcroft. He indicated that "Marvin Jonas" was printed on the doors and the tank. He could not recall the size of the tank or describe the waste. He recalled these tanker trucks had green lettering and PA tags.
- **University of Pennsylvania (UP):** The WITNESS stated that UP had its own compactor trucks that transported waste to Folcroft. He described this waste as medical waste and the waste included bloody bandages and needles.
- **Fitzgerald Mercy Hospital (FMH):** The WITNESS stated that he had not observed FMH disposing waste in Folcroft; however, he recalled that in approximately 1971 a human arm and leg were found on Folcroft. The WITNESS stated that the Pennsylvania Department

would be instructed by Ed Mullen to dig a hole at the top of the Landfill to bury any steel drums. The WITNESS identified this location on the attached aerial photograph.

When asked the names of other property owners in the area closest to the Folcroft Landfill, the WITNESS provided the following.

- Keiser: The WITNESS stated that the Keisers owned a farm adjacent to Folcroft.
- McBride: The WITNESS stated that the McBrides lived in a house next to Folcroft.
- Weems: The WITNESS stated that the Weems had a house closest to Folcroft.
- Crispin: The WITNESS stated that the Crispins had a house close to Folcroft.

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on \_\_\_\_\_ Signed \_\_\_\_\_  
(Date) (Name)



Brent J. Gilhousen  
Assistant General Counsel – Environmental  
Direct Dial: 314-674-8504  
Facsimile: 314-674-5588  
bjgilh@solutia.com

August 30, 2001

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Carlyn Winter Prisk (3HS11)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Re: Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill,  
And Folcroft Landfill Annex; Solutia Inc.'s Response to EPA's § 104(e)  
Information Request

Dear Ms. Winter Prisk:

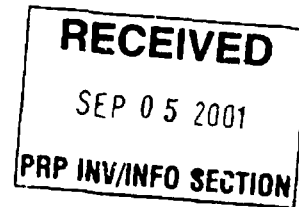
This transmittal letter and attached 104(e) response timely responds to a U.S. Environmental Protection Agency ("EPA") fifteen day request for information, addressed to "Monsanto Company c/o Solutia Inc." (hereinafter "Solutia") concerning the Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex located in Delaware and Philadelphia Counties, Pennsylvania (hereinafter the "Site"). Solutia received the request on August 15, 2001.

Effective September 1, 1997, Monsanto Company ("Monsanto"), now known as Pharmacia Corporation ("Pharmacia"), spun off certain of its chemical businesses into a separate company, Solutia Inc. Solutia is a publicly held corporation incorporated in Delaware. Under the separation agreement between the two parties, Solutia agreed to indemnify Pharmacia for certain liabilities related to its chemical businesses.

In response to EPA's information request, Solutia disagrees with EPA's overly broad assumption of authority, which EPA asserts is conferred by the Comprehensive Environmental Response, Compensation & Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, and other laws. Solutia also objects to the overly broad scope of the questions and definitions included within EPA's information request.

**Solutia Inc.**  
575 Maryville Centre Drive  
St. Louis, Missouri 63141

P.O. Box 66760  
St. Louis, Missouri 63166-6760  
Tel 314 674-1000



Original  
12/21/01

However, Solutia is responding to EPA's request in accordance with Solutia's policy of cooperating with legitimate investigations by government agencies. Therefore, Solutia is voluntarily responding to your request, but at the same time not waiving any objections to EPA's statement of authority or the scope of information requested.

On May 28 and July 1, 1987, Pharmacia (formerly Monsanto Company) responded to a Section 104(e) Request from the EPA regarding the Tinicum Marsh/Folcroft Landfill, Folcroft, Pennsylvania. At that time, Pharmacia did a thorough review of all operating facilities and corporate records and found no information which indicated that any materials generated by Pharmacia were disposed of at the Tinicum Marsh/Folcroft Landfill site (see Attachments A & B).

Solutia is again undertaking a comprehensive, good faith search for information regarding the potential connection to the Site at issue. A diligent inquiry, since the physical breakup of the two companies is ongoing. A supplemental reply will be forthcoming when that inquiry is complete.

To aid in our review, and particularly in light of the complete absence of information in its records indicating any relationship to the Site, Solutia hereby requests, pursuant to the Freedom of Information Act, that EPA provide Solutia with copies of any documents or a description of any other information in EPA's possession which has led EPA to include Solutia as a recipient of the Section 104(e) Request for the Site. At the present time, however, the only information available to Solutia indicates that it is not responsible for any materials or wastes, including those that might contain hazardous substances, located at the Site.

Please forward all future communications regarding this site to the undersigned.

If you have any questions regarding this matter, please contact me directly at the telephone number shown above.

Sincerely,



Brent J. Gilhousen  
Assistant General Counsel  
Environmental

Enclosures



Unrecorded  
1/16/01

RESPONSE TO REQUEST FOR INFORMATION:  
LOWER DARBY CREEK AREA SUPERFUND SITE – CLEARVIEW LANDFILL,  
FOLCROFT LANDFILL, AND FOLCROFT LANDFILL ANNEX

On May 28 and July 1, 1987, Pharmacia (formerly Monsanto Company) responded to a Section 104(e) Request from the EPA regarding the Tinicum Marsh/Folcroft Landfill, Folcroft, Pennsylvania. At that time, Pharmacia did a thorough review of all operating facilities and corporate records and found no information which indicated that any materials generated by Pharmacia were disposed of at the Tinicum Marsh/Folcroft Landfill site (Attachments A & B). Solutia is again undertaking a comprehensive, good faith search for information regarding the potential connection to the Site at issue. A diligent inquiry, since the physical breakup of the two companies is ongoing. To date, Solutia has been unable to locate evidence that indicates Pharmacia sent any material to the Site.

As explained in the letter accompanying this response, Monsanto Company ("Monsanto"), now known as Pharmacia Corporation ("Pharmacia"), spun-off its chemical businesses into a separate and publicly held corporation named Solutia Inc. ("Solutia"), which came into existence on or about September 1, 1997. At that time, Solutia agreed to undertake certain representations relative to businesses that became assets of Solutia. Among those obligation is to respond to inquiries such as information request received by EPA pursuant to 42 U.S.C. § 9604(e).

Solutia generally objects to the overly broad and unduly burdensome nature of the questions included in the August 8, 2001, request for information propounded by the U.S. Environmental Protection Agency ("EPA"), which was received by Solutia on August 15, 2001. Solutia also objects to the instructions and definitions included in the request for information as exceeding the scope of EPA's authority for purposes of a hazardous waste disposal site information request. Finally, Solutia objects that EPA's information request contains undefined or improperly-defined terms, rendering the questions vague and ambiguous, overly broad and unduly burdensome. These objections are continuing in nature, and apply to each and every response to EPA's information request. Notwithstanding these objections, Solutia provides the responses as set forth below.

RESPONSES TO QUESTIONS

**1. State the name of your company, its mailing address, and telephone number.**

Response: The correct legal name of this Company responding to this 104(e) request is:

Solutia Inc.

**Further identify:**

**a. The dates and states of incorporation of your company;**

Response: Solutia was incorporated in the state of Delaware on April 1, 1997.

**b. The date and original state of incorporation of your company; and**

Response: Solutia was incorporated in the state of Delaware on April 1, 1997.

**c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.**

Response: Solutia is not a subsidiary or affiliate of any other entity. There currently exists a multitude of subsidiaries and affiliates of the parent corporation, Solutia Inc., organized and operated throughout the world. Information and data on each individual subsidiary is far beyond the appropriate scope of inquiry in connection with the Site and to the extent such information is requested, Solutia hereby objects to said request.

We have conducted a careful and thorough investigation of available records to identify those entities within Solutia that may have had dealings with the Site.

2. **What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of Monsanto's business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.**

Response: The current nature of Solutia's business is primarily manufacturing, refining, and processing a variety of industrial, commercial and consumer chemical products. Solutia did not exist during the referenced time period from 1958 to 1976, however, Pharmacia's business activity between 1958 and 1976 was primarily manufacturing, refining and processing a variety of industrial, commercial and consumer chemical products. The nature of the business has not changed since 1958, although some operating facilities in the Philadelphia, Pennsylvania area were sold or closed over that time period.

3. **Identify all persons currently or formerly employed by Solutia or Monsanto who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.**

Response: To be supplemented.

4. **Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide.**

**a. The dates of their operation;**

Response: Pharmacia owned and operated numerous facilities in the northeast region of the United States. Therefore, we have limited our review to facilities that operated from 1958 to the present within a 100 mile radius of the Site.

Camden Plant  
1500 Pine Street  
Camden, NJ 08103

Purchased by Pharmacia in 1935 from Swann Corporation. Pharmacia sold facility to Camdett Corporation on April 1, 1993.

Kearny Plant  
Pennsylvania Avenue  
Kearny, NJ 07032

Pharmacia began operation in September 1955. Facility was shut-down in 1991.

Kenilworth Plant  
N. 8<sup>th</sup> Street & Monroe Avenue  
Kenilworth, NJ 07033

Pharmacia began operation in 1939. Sold to INNOPAK Corporation in September 1987.

Yardville Plant  
584 Route 130  
Trenton, NJ 08691

Pharmacia purchased this facility in July of 1961 from Plax Corporation. Sold to Polychrome in February 1982.

Delaware River Plant  
U.S. Route 130  
Bridgeport, NJ 08014

Construction completed on facility in late 1961. Solutia sold to Ferro Corporation on August 21, 2000. Solutia retained ownership of certain units at Delaware River but it is operated by Ferro Corporation. That process is used to manufacture Tetrathal flame retardant.

**b. The nature of their operation; and**

Response:

Camden Plant: Produced natural and synthetic bone ash, lampblack, and Phos-Chek.

Kearny Plant: Produced phosphoric acid, sodium and potassium phosphates and surfactants.

Kenilworth Plant: Produced polyethylene film and sheet, and polyethylene bottles.

Yardville Plant: Produced blow-molded plastic containers.

Delaware River Plant: Produces organic phosphorus compounds, phthalic anhydride, benzyl chloride, plasticizers, muriatic acid, tetrachlorophthalic anhydride and solvents.

- c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).**

Response: To be supplemented.

- 5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.**
- a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;**
  - b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and**
  - c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.**

Construction completed on facility in late 1961. Solutia sold to Ferro Corporation on August 21, 2000. Solutia retained ownership of certain units at Delaware River but it is operated by Ferro Corporation. That process is used to manufacture Tetrathal flame retardant.

**b. The nature of their operation; and**

Response:

Camden Plant: Produced natural and synthetic bone ash, lampblack, and Phos-Chek.

Kearny Plant: Produced phosphoric acid, sodium and potassium phosphates and surfactants.

Kenilworth Plant: Produced polyethylene film and sheet, and polyethylene bottles.

Yardville Plant: Produced blow-molded plastic containers.

Delaware River Plant: Produces organic phosphorus compounds, phthalic anhydride, benzyl chloride, plasticizers, muriatic acid, tetrachlorophthalic anhydride and solvents.

- c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).**

Response: To be supplemented.

- 5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.**
- a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;**
  - b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and**
  - c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.**

Response: To be supplemented.

6. **Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:**
- a. **The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;**
  - b. **The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;**
  - c. **The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;**
  - d. **The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;**
  - e. **The types and sizes of containers in which these substances were transported and stored; and**
  - f. **The persons or companies that supplied each such hazardous substance to your company.**

Response: Solutia is not able to respond within the fifteen day time frame to the questions related to every hazardous substance in that question and its six subparts. As information and MSDS's are identified, they will be timely submitted to EPA.

7. **Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:**
- a. **The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;**
  - b. **The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;**
  - c. **The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;**

- d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
- e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
- f. The location and method of treatment and/or disposal of each such by-product or waste.

Response: To be supplemented.

8. Did your company ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckley Trash Hauling, Barratt Rupert, McCloskey Engineering, Marvin Jonas, Jonas Waster (sic) Removal, Schiavo Bros., Inc., ADM Disposal Services and/or any other company or municipality to remove or transport material from your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976 for disposal? If so, for each transaction identified above, please identify:

- a. The person with whom you made such a contract or arrangement;

Response: Records indicate that Marvin Jonas removed material from the Delaware River Plant. Our records do not reflect a contract or who made arrangements for the removal of material with Marvin Jonas.

- b. The date(s) on which or time period during which such material was removed or transported for disposal;

Response: Marvin Jonas removed material from the Delaware River Plant during the time period of 1974 to early 1978.

- c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);

Response: The material removed by Marvin Jonas at the Delaware River Plant was phthalic anhydride "heads" from a distillation process contained in drums. These "heads" consisted primarily of phthalic anhydride and acid with smaller amounts of benzoic acid and maleic anhydride. Once this material was placed in a drum it hardened like concrete, and could not be removed from the drum.

- d. The annual quantity (number of loads, gallons, drums) of such material;

Response: The years during which Marvin Jonas removed this material from the Delaware River Plant and the approximate volumes of the shipments are as follows:

<u>Date</u>	<u>Quantity</u>
1973	241 drums/13,255 gal./139,000 lbs.
1974	218 drums/12,600 gal./109,000 lbs.
1975	150 drums/9,460 gal./82,000 lbs.
1976	141 drums/8,910 gal./77,000 lbs.
1977	257 drums/15,897 gal./137,800 lbs.
1978	88 drums/5,104 gal./50,380 lbs.
1979	No evidence of use of Jonas for disposal.
1980	No evidence of use of Jonas for disposal; Purchase of 15 new steel drums from Jonas Steel Drum Company by the Delaware River Plant.
<u>Total:</u>	1095 drums/65,226 gal./595,180 lbs.

**e. The manner in which such material was containerized for shipment or disposal;**

Response: The material was placed in drums.

**f. The location to which such material was transported for disposal;**

Response: Records indicate that this material was transported by Marvin Jonas and disposed of at landfills other than the Site.

**g. The person(s) who selected the location to which such material was transported for disposal;**

Response: Records do not indicate who selected the location to which such material was transported for disposal.

**h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and**



Response: Records indicate that the following people were former truck drivers for Marvin Jonas:

William Louis Abington  
Clarence Jefferson  
David Bumbaugh

- i. **Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material**

Response: Attachment C is a copy of Marvin Jonas' 1973 through 1978 account receivable ledgers on Monsanto Chemical Company.

9. **Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:**
- a. **Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site:**
  - b. **Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or**
  - c. **Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.**

Response: Solutia has no information responsive to question 9 and all of its subparts.

10. **For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, Identify:**
- a. **The date(s) on which such material was disposed of or treated at the Site:**
  - b. **The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);**
  - c. **The annual quantity (number of loads, gallons, drums) of such material;**
  - d. **The specific location on the Site where such material was disposed of or treated; and**
  - e. **Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.**

Response: Solutia has no information responsive to question 10 and all of its subparts.

11. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
- a. The date(s) of the spill(s)/release(s) occurred;
  - b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
  - c. The response made by you or on your behalf with respect to the spill(s)/release(s); and
  - d. The packaging, transportation, and final disposition of the materials which were spilled, released.

Response: Solutia has no information responsive to question 11 and all of its subparts.

12. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to questions 3, so indicate.

Response: To be supplemented.

13. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.

Response: Solutia has no knowledge of responsive information.

14. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

Response: To be supplemented.

**15. Representative of your establishment(s):**

- a. Identify the person(s) answering these questions on behalf of your establishment(s) including full name, mailing address, business telephone number, and relationship to the company.**

Response:

Brent J. Gilhousen (3S)  
Solutia Inc.  
Assistant General Counsel – Environmental  
575 Maryville Centre Drive  
St. Louis, MO 63141  
(314) 674-8504

Sharon J. Williams (3S)  
Solutia Inc.  
Legal Assistant – Environmental  
575 Maryville Centre Drive  
St. Louis, MO 63141  
(314) 674-5072

Shirley J. Schomburg (3S)  
Solutia Inc.  
Administrative Assistant – Environmental  
575 Maryville Centre Drive  
St. Louis, MO 63141  
(314) 674-8505

- b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.**

Response:

Brent J. Gilhousen (3S)  
Solutia Inc.  
Assistant General Counsel – Environmental  
575 Maryville Centre Drive  
St. Louis, MO 63141  
(314) 674-8504

16. **If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:**
- a. Your document retention policy;**
  - b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;**
  - c. A description of the type of information that would have been contained in the documents; and**
  - d. The name, job title, and most current address known to you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.**

Response: To be supplemented.

# Monsanto

LAW DEPARTMENT

Monsanto Company  
800 N. Lindbergh Boulevard  
St. Louis, Missouri 63167  
Phone: (314) 884-1000

May 28, 1987

VIA AIRBORNE

Lois A. Lauria  
Environmental Protection Assistant  
U.S. Environmental Protection Agency  
Region III  
CERCLA Removal Enforcement Section (3HW14)  
841 Chestnut Building, 6th Floor  
Philadelphia, PA 19107

Re: Tinicum Marsh/Folcroft Landfill, Folcroft, Pennsylvania

Dear Ms. Lauria:

As discussed during our telephone conversation of May 27, 1987 concerning the site referenced above, we are making a preliminary response to the U.S. Environmental Protection Agency's (U.S. EPA) letter dated May 8, 1987 even though we have not yet had an adequate opportunity to fully review our records in this matter. We must first note that we disagree with the U.S. EPA's overly broad assumption of authority which it asserts is conferred by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 6901, et. seq., and the Resource Conservation and Recovery Act (RCRA). We also object to the overly broad scope of the questions included in the U.S. EPA's information request. However, consistent with Monsanto's policy of cooperation with government agencies, we are responding to your request, but at the same time not waiving any objections to U.S. EPA's statement of authority or the scope of information requested.

Based upon our review to date, we can provide the following responses to the information requests contained in U.S. EPA's May 8, 1987 letter. We anticipate that we will be able to supplement this response by July 1, 1987 with any additional

information derived from our further reviews. As for the nature of this company's business, Monsanto primarily manufactures, refines and processes a variety of industrial, commercial and consumer chemical products. We have no information of having sent any type or quantity of hazardous substances to the Folcroft Landfill and Landfill Annex. As a result, questions concerning dates of shipment, physical states, manner of disposal, and correspondence with regulatory agencies or third parties, are not applicable. Furthermore, we have no information on the identity of any other person who may have been involved with hazardous substances at the Folcroft Landfill and Landfill Annex. Similarly, we have no documents relating to any real interests in these sites. Finally, we have no correspondence between ourselves and any regulatory agency or third party regarding the Folcroft Landfill or Folcroft Annex.

As for any insurance against releases of hazardous wastes or substances, Monsanto Company had, and does have, various insurance policies with coverages which vary over the past thirty years. If Monsanto is ever adjudged liable for costs arising from disposal of waste materials, Monsanto and its insurance carriers will determine whether or not certain policies provide coverage for the specific occurrences which led to the liability.

While Monsanto is presently continuing to search its records for further information on the sites, it is noted that the U.S. EPA's information request on these sites is extremely broad and apparently relates to a period of time some 15 to 25 years ago (1960-1973). Given the age of the transactions and the scope of the information in which EPA is interested, Monsanto cannot fully respond to the U.S. EPA's request without the corresponding assistance of the U.S. EPA. Accordingly, we request that U.S. EPA provide us with all data in its possession which reflects any involvement of Monsanto with the sites referenced above. Unless U.S. EPA can shed some light upon the alleged involvement, the accuracy of our response to the U.S. EPA's information request will suffer.

In general, please be assured that Monsanto supports the prompt, efficient cleanup of sites which present an imminent and substantial danger to human health, welfare and the environment. In the event there is evidence that Monsanto is responsible for hazardous substances at the site referenced above, Monsanto is prepared to participate with other potentially responsible parties in cleanup efforts, based upon an appropriate apportionment of responsibility among all the parties. Accordingly, consistent with our request for information above, please provide Monsanto with any information which leads the U.S. EPA to believe that Monsanto is liable for cleanup costs at these sites.

If you have any questions concerning information supplied by Monsanto herein, or our request for information from U.S. EPA, please call me at 314/694-1278.

Very truly yours,

A handwritten signature in cursive script, reading "Stephen Krchma".

Stephen P. Krchma  
Environmental Attorney

ehEL213/17

# Monsanto

LAW DEPARTMENT

Monsanto Company  
800 N. Lindbergh Boulevard  
St. Louis, Missouri 63167  
Phone: (314) 694-1000

July 1, 1987

Lois A. Lauria  
Environmental Protection Assistant  
U.S. Environmental Protection Agency  
Region III  
CERCLA Removal Enforcement Section (3HW14)  
841 Chestnut Building, 6th Floor  
Philadelphia, PA 19107

Re: Tinicum Marsh/Folcroft Landfill, Folcroft, Pennsylvania

Dear Ms. Lauria:

In our previous letter, dated May 28, 1987, on this subject, we advised you that we would complete the review of our records on this matter by July 1, 1987 and advise you of any additional information derived from that review. We have now completed our review and have found no additional information which indicates that any materials generated by Monsanto were disposed of at the Tinicum Marsh/Folcroft Landfill site.

As indicated in our earlier correspondence, the time period and scope of information sought is such that Monsanto's response to the U.S. EPA's information request requires the corresponding assistance of the U.S. EPA. We therefore requested that the U.S. EPA provide us with all data which reflects any involvement of Monsanto with the Tinicum Marsh/Folcroft Landfill site. We have not yet received a response to this request.

Once we have had an opportunity to review any information which the U.S. EPA has concerning Monsanto's alleged involvement, we may be in a position to further supplement our response. In the meanwhile, if you have any questions concerning Monsanto's position in this matter, please call me.

Very truly yours,



Stephen P. Krchma  
Environmental Attorney

ehEL214/12



# THOMPSON COBURN

Thompson Coburn LLP  
Attorneys at Law

One Firststar Plaza  
St. Louis, Missouri 63101-1694  
314-552-6000  
FAX 314-552-7000  
www.thompsoncoburn.com

October 1, 2001

William J. Curtis  
314-552-6353  
FAX 314-552-7353  
EMAIL wcurtis@  
thompsoncoburn.com

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Carlyn Winter Prisk (3HS11)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

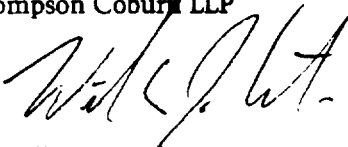
Re: Lower Darby Creek Area Superfund Site - Clearview Landfill, Folcroft Landfill, and  
Folcroft Landfill Annex; Solutia Inc.'s Supplemental Response to EPA's 104(e)  
Information Request

Dear Ms. Winter Park:

This transmittal letter and attached enclosures supplements Solutia Inc.'s ("Solutia") August 30, 2001 response to EPA's August 15 104(e) request for information. Please continue to forward all communications regarding this site to Brent J. Gilhousen, Assistant General Counsel Environmental. Mr. Gilhousen is located at 575 Maryville Centre Drive, St. Louis Mo. 63141.

Very truly yours,

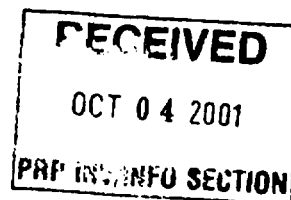
Thompson Coburn LLP

By   
William J. Curtis

wjc/wjc

Enclosures

cc: Brent J. Gilhousen



SUPPLEMENTAL RESPONSE TO REQUEST FOR INFORMATION:  
LOWER DARBY CREEK AREA SUPERFUND SITE – CLEARVIEW LANDFILL,  
FOLCROFT LANDFILL, AND FOLCROFT LANDFILL ANNEX

Pursuant to a telephone conversation between counsel for Solutia, William Curtis and counsel for EPA, Brian Nishitanib on September 10, 2001, Solutia's response will only addresses the former Monsanto's land disposal activities between 1958 and 1976. Accordingly, Solutia is not providing documents or information regarding water discharges or air emissions from its plants in the greater Philadelphia area. As agreed, Solutia is not required to provide this information because all of the former Monsanto facilities in the greater Philadelphia area are located east of the Delaware River, while the Lower Darby Creek area is west of the Delaware River. Thus, Monsanto's wastewater discharges could not contribute to the alleged contamination in Lower Darby Creek. However, attached are document that primarily discuss Solutia's water discharges because the documents briefly discuss land disposal.

As explained in the previous response, Monsanto Company ("Monsanto"), now known as Pharmacia Corporation ("Pharmacia"), spun-off its chemical businesses into a separate and publicly held corporation named Solutia Inc. ("Solutia"), which came into existence on or about September 1, 1997. At that time, Solutia agreed to undertake certain representations relative to businesses that became assets of Solutia. Among those obligation is to respond to inquiries such as information request received by EPA pursuant to 42 U.S.C. § 9604(e).

Solutia generally objects to the overly broad and unduly burdensome nature of the questions included in the August 8, 2001, request for information propounded by the U.S. Environmental Protection Agency ("EPA"), which was received by Solutia on August 15, 2001. Solutia also objects to the instructions and definitions included in the request for information as exceeding the scope of EPA's authority for purposes of a hazardous waste disposal site information request. Finally, Solutia objects that EPA's information request contains undefined or improperly defined terms, rendering the questions vague and ambiguous, overly broad and unduly burdensome. These objections are continuing in nature, and apply to each and every response to EPA's information request. Notwithstanding these objections, Solutia provides the responses as set forth below.

RESPONSE TO QUESTIONS

1. **State the name of your company, its mailing address, and telephone number.  
Further identify:**

- a. **The dates and states of incorporation of your company;**

Response:

See Solutia's Response to Request for Information: Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex, dated August 30, 2001.

**b. The date and original state of incorporation of your company; and**

Response:

See Solutia's Response to Request for Information: Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex, dated August 30, 2001.

**c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.**

Response:

See Solutia's Response to Request for Information: Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex, dated August 30, 2001.

- 2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of Monsanto's business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.**

Response:

See Solutia's Response to Request for Information: Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex, dated August 30, 2001.

- 3. Identify all persons currently or formerly employed by Solutia or Monsanto who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.**

Response:

Should the United States desire to contact any of the below listed individuals, because Solutia is represented by counsel in this matter, Solutia request that our counsel first be contacted.

Camden, NJ

Richard W. Savage  
Pharmacia - Technical Services Supervisor (dates employed 9/10/74 to 4/13/93)

[REDACTED]  
[REDACTED]

David C. Dieterich  
Pharmacia - Plant Manager (dates employed 6/13/51 to 2/28/92)

[REDACTED]  
[REDACTED]

Lewis E. Graff  
Pharmacia - Maintenance Supervisor (dates employed 9/17/74 to 1/29/93)

[REDACTED]  
[REDACTED]

Kearny, NJ

Donald M. Widdows  
Pharmacia - Chief Chemist (dates employed 9/16/63 to 10/31/85)

[REDACTED]  
[REDACTED]

David C. Dieterich  
Pharmacia - Production Supervisor (dates employed 6/13/51 to 2/28/92)

[REDACTED]  
[REDACTED]

George E. Kupchinsky  
Pharmacia - Plant Manager (dates employed 10/28/57 to 1/3/84)

[REDACTED] 31

Kenilworth, NJ

John A. McNaboe  
Pharmacia - Process Technical Sup. (dates employed 6/23/69 to 2/13/81)

[REDACTED]  
James C. Rademaker  
Pharmacia – Plant Manager (dates employed 6/20/66 to 12/1/93)  
[REDACTED]

Joseph F. Payne  
Pharmacia – Purchasing Specialist (dates employed 7/31/46 to 3/31/79)  
[REDACTED]

Garrett C. Maney  
Pharmacia – Traffic Supervisor (dates employed 11/20/67 to 10/31/77)  
[REDACTED]

Yardville, NJ

Thomas A. Nebel  
Pharmacia – Supt. Plant Eng. & Maint. (dates employed 4/7/69 to 8/1/93)  
[REDACTED]

Lester Mount  
Pharmacia – Plant Manager (dates 6/15/53 to 3/31/82)  
[REDACTED]

Ronald P. Hoffer  
Pharmacia – Supt. Services (dates 5/15/72 to 8/31/87)  
[REDACTED]

Delaware River (Bridgeport, NJ)

Edward S. Jamro  
Pharmacia and current Solutia Inc. employee (began employment 4/11/75)  
Engineering Specialist Pollution Control  
[REDACTED]

The original pages can  
be found in PFE  
This information has  
been redacted b/c it  
contains data protected by  
the privacy act.

Joseph F. Valley  
Pharmacia – Purchasing Agent (dates employed 4/11/66 to 9/30/91)

Jeffrey D. Felder  
Pharmacia and current Solutia Inc. employee (began employment 1/27/75)  
Environmental Specialist Pollution Control

4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide.

a. The dates of their operation;

Response:

See Solutia's Response to Request for Information: Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex, dated August 30, 2001.

b. The nature of their operation; and

Response:

See Solutia's Response to Request for Information: Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex, dated August 30, 2001.

c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).

Response:

Pursuant to a telephone conversation between counsel for Solutia, William Curtis and counsel for EPA, Brian Nishitanib on September 10, 2001, Solutia's response will only addresses the former Monsanto's land disposal activities between 1958 and 1976. Accordingly, Solutia is not providing documents or information regarding water discharges or air emissions from its plants in the greater Philadelphia area. As agreed,

Solutia is not required to provide this information because all of the former Monsanto facilities in the greater Philadelphia area are located east of the Delaware River, while the Lower Darby Creek area is west of the Delaware River. Thus, Monsanto's wastewater discharges could not contribute to the alleged contamination in Lower Darby Creek. However, attached are document that primarily discuss Solutia's water discharges because the documents briefly discuss land disposal.

Camden Facility. See documents at Tab A.

Delaware River Facility. See documents at Tab B.

Kearney Facility. See documents at Tab C.

Kenilworth Facility. After a thorough and diligent investigation, no documents or information responsive to this inquiry have been located.

Yardville Facility. After a thorough and diligent investigation, no documents or information responsive to this inquiry have been located.

5. **Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.**
  - a. **Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;**

Response:

Pursuant to a telephone conversation between counsel for Solutia, William Curtis and counsel for EPA, Brian Nishitanib on September 10, 2001, Solutia's response will only addresses the former Monsanto's land disposal activities between 1958 and 1976. Accordingly, Solutia is not providing documents or information regarding water discharges or air emissions from its plants in the greater Philadelphia area. As agreed, Solutia is not required to provide this information because all of the former Monsanto facilities in the greater Philadelphia area are located east of the Delaware River, while the Lower Darby Creek area is west of the Delaware River. Thus, Monsanto's wastewater discharges could not contribute to the alleged contamination in Lower Darby Creek. However, attached are document that primarily discuss Solutia's water discharges because the documents briefly discuss land disposal.

For a description of the documents, see documents in tabs A, B, C.

Sharon Williams  
Law Department  
575 Maryville Centre Drive  
St. Louis, Mo. 63141

Janet Tracey  
Environmental, Safety and Health  
575 Maryville Centre Drive  
St. Louis, Mo. 63141

- b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and**

Response:

Pursuant to a telephone conversation between counsel for Solutia, William Curtis and counsel for EPA, Brian Nishitanib on September 10, 2001, Solutia's response will only address the former Monsanto's land disposal activities between 1958 and 1976. Accordingly, Solutia is not providing documents or information regarding water discharges or air emissions from its plants in the greater Philadelphia area. As agreed, Solutia is not required to provide this information because all of the former Monsanto facilities in the greater Philadelphia area are located east of the Delaware River, while the Lower Darby Creek area is west of the Delaware River. Thus, Monsanto's wastewater discharges could not contribute to the alleged contamination in Lower Darby Creek. However, attached are documents that primarily discuss Solutia's water discharges because the documents briefly discuss land disposal.

Camden Facility. See documents at Tab A.

Delaware River Facility. See documents at Tab B.

Kearney Facility. See documents at Tab C.

Kenilworth Facility. After a thorough and diligent investigation, no documents or information responsive to this inquiry have been located.

Yardville Facility. After a thorough and diligent investigation, no documents or information responsive to this inquiry have been located.

- c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.**

Response:



Pursuant to a telephone conversation between counsel for Solutia, William Curtis and counsel for EPA, Brian Nishitanib on September 10, 2001, Solutia's response will only addresses the former Monsanto's land disposal activities between 1958 and 1976. Accordingly, Solutia is not providing documents or information regarding water discharges or air emissions from its plants in the greater Philadelphia area. As agreed, Solutia is not required to provide this information because all of the former Monsanto facilities in the greater Philadelphia area are located east of the Delaware River, while the Lower Darby Creek area is west of the Delaware River. Thus, Monsanto's wastewater discharges could not contribute to the alleged contamination in Lower Darby Creek. However, attached are document that primarily discuss Solutia's water discharges because the documents briefly discuss land disposal.

Camden Facility. See documents at Tab A.

Delaware River Facility. See documents at Tab B.

Kearney Facility. See documents at Tab C.

Kenilworth Facility. After a thorough and diligent investigation, no documents or information responsive to this inquiry have been located.

Yardville Facility. After a thorough and diligent investigation, no documents or information responsive to this inquiry have been located.

6. **Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:**
  - a. **The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;**
  - b. **The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;**
  - c. **The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;**
  - d. **The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;**
  - e. **The types and sizes of containers in which these substances were transported and stored; and**

- f. The persons or companies that supplied each such hazardous substance to your company.**

**Response:**

Pursuant to a telephone conversation between counsel for Solutia, William Curtis and counsel for EPA, Brian Nishitanib on September 10, 2001, Solutia's response will only addresses the former Monsanto's land disposal activities between 1958 and 1976. Accordingly, Solutia is not providing documents or information regarding water discharges or air emissions from its plants in the greater Philadelphia area. As agreed, Solutia is not required to provide this information because all of the former Monsanto facilities in the greater Philadelphia area are located east of the Delaware River, while the Lower Darby Creek area is west of the Delaware River. Thus, Monsanto's wastewater discharges could not contribute to the alleged contamination in Lower Darby Creek. However, attached are document that primarily discuss Solutia's water discharges because the documents briefly discuss land disposal.

Camden Facility. See documents at Tab A.

Delaware River Facility. See documents at Tab B.

Kearney Facility. See documents at Tab C.

Kenilworth Facility. After a thorough and diligent investigation, no documents or information responsive to this inquiry have been located.

Yardville Facility. After a thorough and diligent investigation, no documents or information responsive to this inquiry have been located.

The MSDS are located at Tab D.

- 7. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:**
- a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;**
  - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;**
  - c. The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;**

- d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
- e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
- f. The location and method of treatment and/or disposal of each such by-product or waste.

Response:

Pursuant to a telephone conversation between counsel for Solutia, William Curtis and counsel for EPA, Brian Nishitanib on September 10, 2001, Solutia's response will only addresses the former Monsanto's land disposal activities between 1958 and 1976. Accordingly, Solutia is not providing documents or information regarding water discharges or air emissions from its plants in the greater Philadelphia area. As agreed, Solutia is not required to provide this information because all of the former Monsanto facilities in the greater Philadelphia area are located east of the Delaware River, while the Lower Darby Creek area is west of the Delaware River. Thus, Monsanto's wastewater discharges could not contribute to the alleged contamination in Lower Darby Creek. However, attached are document that primarily discuss Solutia's water discharges because the documents briefly discuss land disposal.

Camden Facility. See documents at Tab A.

Delaware River Facility. See documents at Tab B.

Kearney Facility. See documents at Tab C.

Kenilworth Facility. After a thorough and diligent investigation, no documents or information responsive to this inquiry have been located.

Yardville Facility. After a thorough and diligent investigation, no documents or information responsive to this inquiry have been located.

8. Did you company ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckly Trash Hauling, Barratt Rupert, McCloskey Engineering, Marvin Jonas, Jonas [Waster] Waste Removal, Schiavo Bros., Inc., ADM Disposal Services and/or any other company or municipality to remove or transport material from your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976 for disposal? If so, for each transaction identified above, please identify:

- a. The person with whom you made such a contract or arrangement;

- b. The date(s) on which or time period during which such material was removed or transported for disposal;
- c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
- d. The annual quantity (number of loads, gallons, drums) of such material;
- e. The manner in which such material was containerized for shipment or disposal;
- f. The location to which such material was transported for disposal;
- g. The person(s) who selected the location to which such material was transported for disposal;
- h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and
- i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material

Response:

See Solutia's Response to Request for Information: Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex, dated August 30, 2001

- 9. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:
  - a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;
  - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or
  - c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.

Response:

See Solutia's Response to Request for Information: Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex, dated August 30, 2001

10. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, Identify:
- a. The date(s) on which such material was disposed of or treated at the Site;
  - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
  - c. The annual quantity (number of loads, gallons, drums) of such material;
  - d. The specific location on the Site where such material was disposed of or treated; and
  - e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.

Response:

See Solutia's Response to Request for Information: Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex, dated August 30, 2001

11. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
- a. The date(s) of the spill(s)/release(s) occurred;
  - b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
  - c. The response made by you or on your behalf with respect to the spill(s)/release(s); and
  - d. The packaging, transportation, and final disposition of the materials which were spilled, released.

Response:

See Solutia's Response to Request for Information: Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex, dated August 30, 2001

12. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to questions 3, so indicate.

Response:

See response to question #3.

13. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.

Response:

See Solutia's Response to Request for Information: Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex, dated August 30, 2001

14. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

Response:

See Solutia's Response to Request for Information: Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex, dated August 30, 2001

15. Representative of your establishment(s):

- a. Identify the person(s) answering these questions on behalf of your establishment(s) including full name, mailing address, business telephone number, and relationship to the company.**

**Response:**

See Solutia's Response to Request for Information: Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex, dated August 30, 2001

William J. Curtis, Esq.  
Thompson Coburn LLP  
1 Firststar Plaza  
St. Louis, Mo. 63101

- b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.**

**Response:**

See Solutia's Response to Request for Information: Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex, dated August 30, 2001

- 16. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:**
- a. Your document retention policy;**
  - b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;**
  - c. A description of the type of information that would have been contained in the documents; and**
  - d. The name, job title, and most current address known to you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.**

**Response:**

See Tab E.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

AUG 08 2001

Monsanto Company  
c/o Solutia Inc.  
P.O. Box 66760  
St. Louis, MO 63166-6760

Attention: John Hunter, President

**Re: Required Submission of Information  
Lower Darby Creek Area Superfund Site - Clearview Landfill, Folcroft Landfill,  
and Folcroft Landfill Annex**

Dear Mr. Hunter:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Clearview Landfill ("Clearview"), Folcroft Landfill ("Folcroft"), and Folcroft Landfill Annex ("Folcroft Annex") portions of the Lower Darby Creek Area Superfund Site, located in Delaware and Philadelphia Counties, Pennsylvania (hereinafter the "Site") (see Enclosure F for a list of Questions).

The Site is located in an industrialized portion of southeastern Delaware County and southwestern Philadelphia County, Pennsylvania, along an approximately two-mile stretch of Darby Creek, between Cobbs Creek to the north and the tidal marsh of John Heinz National Wildlife Refuge at Tinicum to the south (see Enclosure A). The Site also includes contaminated portions of areas along Darby Creek downstream as well as a portion of a 3500-acre tidal marsh.

EPA has reason to believe that wastes generated at locations owned or operated by Monsanto Company may have been transported to and disposed of at the Site, specifically at Clearview, Folcroft, and Folcroft Annex. Clearview is located on the east side of Darby Creek; Folcroft and Folcroft Annex are located on the west side of the creek.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require Solutia, Inc. (hereinafter "you"), to furnish all information and documents in your possession, custody or control, or in the possession, custody

*Customer Service Hotline: 1-800-438-2474*



or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **fifteen calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For all other entities, the response must be signed by an authorized official of that entity.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

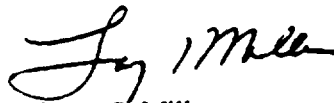
All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

If you have any questions concerning this matter, please contact Civil Investigator Carlyn Winter Prisk at (215) 814-2625, or have your attorney contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,



Larry S. Miller  
Chief, PRP Investigation and  
Site Information Section

Enclosures:   **Enclosure A:** Lower Darby Creek Area Site Map  
                  **Enclosure B:** Business Confidentiality Claims/Disclosure of Your Response to  
  EPA Contractors and Grantees  
                  **Enclosure C:** List of Contractors that May Review Your Response  
                  **Enclosure D:** Definitions  
                  **Enclosure E:** Instructions  
                  **Enclosure F:** Questions

cc:   **Mr. Brian Nishitani (3RC44) EPA Region III, Office of Regional Counsel**  
      **Ms. Kristine Matzko (3HS21) EPA Region III, Remedial Project Manager**  
      **Mr. Craig Olewiler Pennsylvania Department of Environmental Protection**  
      **Ms. April Flipse Pennsylvania Department of Environmental Protection**

Enclosure A

**Lower Darby Creek Area Site Map**

***Customer Service Hotline: 1-800-438-2474***

Enclosure A



Enclosure B

**Business Confidentiality Claims**

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

**Disclosure of Your Response to EPA Contractors and Grantees**

EPA may contract with one or more independent contracting firms (See "Enclosure C") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure C, you must notify EPA in writing at the time you submit such documents.

Enclosure C

**List of Contractors that May Review Your Response**

- Daston Corporation -  
Contract #68-S3-01-01  
Subcontractor to Daston Corporation is:  
Dynamac Corporation
  - Tetra Tech EM, Inc. -  
Contract #68-S3-0002  
Subcontractor to Tetra Tech EM, Inc. is  
Eagle Instruments, Inc.
  - Ecology and Environment, Inc. -  
Contract #68-S3-001  
Subcontractor to Ecology and  
Environment, Inc. is:  
S & S Engineers, Inc.
  - Resource Applications, Inc. -  
Contract #68-S3-003  
Subcontracts to Resource Applications,  
Inc. are:  
C.C. Johnson & Malhotra, Inc.  
Scientific & Environment Associates,  
Inc.  
Environmental Quality Management,  
Inc.
  - IT Corporation - Contract #68-S#-00-06  
Subcontracts to IT Corporation are:  
Weavertown Environmental Group  
Environmental Restoration Company
  - Earth Tech, Inc. - Contract #68-S3-00-07  
Subcontractors to Earth Tech, Inc. are:  
Industrial Marine Services, Inc.  
Cline Oil  
Hertz Equipment Rental
  - Guardian Environmental Services, Inc.  
Contract #68-S3-99-04
  - ECG Industries, Inc. -  
Contract #68-S3-99-05  
Subcontractor to ECG Industries, Inc. is:  
Earth Tech, Inc.
  - Industrial Marine Services, Inc. -  
Contract #68-S3-99-06  
Subcontractors to Industrial Marine  
Services, Inc. are:  
Earth Tech, Inc.  
Engineering and Environment, Inc.
  - Tetra Tech NUS, Inc. -  
Contract #68-S6-3003  
Subcontractors to Tetra Tech NUS, Inc.  
are:  
Gannett Flemming, Inc.  
Dynamac Corporation  
C.C. Johnson & Malhotra, P.C.
  - CDM-Federal Programs Corporation -  
Contract #68-S7-3003  
Subcontractors to CDM-Federal  
Programs Corporation are:  
Tetra Tech EM, Inc.  
Robert Kimball & Associates  
PMA & Associates  
Home Engineering  
Pacific Environmental Services
  - Black and Veatch Waste Science and  
Technology Corporation/Tetra Tech, Inc.  
Contract #68-S7-3002
  - Universe Technologies -  
Contract #68-S3-99-02
  - Tech Law, Inc. - Contract #68-W-00-108  
Subcontractor to Tech Law, Inc. is:  
Gannett Flemming, Inc.
- List of Cooperative Agreements**
- National Association of Hispanic Elderly  
- #CQ-822511
  - AARP Foundation (Senior  
Environmental Employment)  
- #824021, #823952

Enclosure D

**Definitions**

- The term "**arrangement**" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "**documents**" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "**hazardous substance**" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
- The term "**pollutant or contaminant**" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release

into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.



Enclosure E

**Instructions**

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure B, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

**QUESTIONS**

1. State the name of your company, its mailing address, and telephone number. Further identify:
  - a. The dates and states of incorporation of your company;
  - b. The date and original state of incorporation of your company; and
  - c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.
2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of Monsanto's business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.
3. Identify all persons currently or formerly employed by Solutia or Monsanto who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.
4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide:
  - a. The dates of their operation;
  - b. The nature of their operation; and
  - c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).
5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.

- a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
  - b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and
  - c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.
6. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:
- a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;
  - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;
  - c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;
  - d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;
  - e. The types and sizes of containers in which these substances were transported and stored; and
  - f. The persons or companies that supplied each such hazardous substance to your company.
7. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:
- a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;
  - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;

- c. The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;
  - d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
  - e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
  - f. The location and method of treatment and/or disposal of each such by-product or waste.
8. Did your company ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckly Trash Hauling, Barratt Rupurt, McCloskey Engineering, Marvin Jonas, Jonas Waster Removal, Schiavo Bros., Inc., ADM Disposal Services and/or any other company or municipality to remove or transport material from your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976 for disposal? If so, for each transaction identified above, please identify:
- a. The person with whom you made such a contract or arrangement;
  - b. The date(s) on which or time period during which such material was removed or transported for disposal;
  - c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
  - d. The annual quantity (number of loads, gallons, drums) of such material;
  - e. The manner in which such material was containerized for shipment or disposal;
  - f. The location to which such material was transported for disposal;
  - g. The person(s) who selected the location to which such material was transported for disposal;
  - h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and
  - i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.

9. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:
- a. **Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;**
  - b. **Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or**
  - c. **Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.**
10. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
- a. **The date(s) on which such material was disposed of or treated at the Site;**
  - b. **The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);**
  - c. **The annual quantity (number of loads, gallons, drums) of such material;**
  - d. **The specific location on the Site where such material was disposed of or treated; and**
  - e. **Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.**
11. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
- a. **The date(s) the spill(s)/release(s) occurred;**
  - b. **The composition (i.e., chemical analysis) of the materials which were spilled/released;**
  - c. **The response made by you or on your behalf with respect to the spill(s)/release(s); and**
  - d. **The packaging, transportation, and final disposition of the materials which were spilled/released.**

12. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.
13. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.
14. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.
15. Representative of your establishment(s):
  - a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.
  - b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.
16. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
  - a. Your document retention policy;
  - b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
  - c. A description of the type of information that would have been contained in the documents; and

- d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

05  
(Date)

7000 0520 0025 2464 7556

Continuation of

Return Receipt Fee  
(Endorsement Required)

Restricted Delivery Fee  
(Endorsement Required)

Total Postage

Postmark  
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Street, Apt. No	c/o Solutia Inc.	
	PO Box 66760	
City, State, ZIP	St. Louis, MO 63166-6760	



## SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Monsanto Company  
c/o Solutia Inc.  
PO Box 66760  
St. Louis, MO 63166-6760

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

*[Signature]* ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

## 3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

## 2. Article Number (Copy from service label)

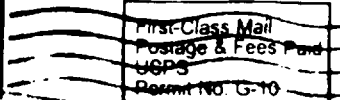
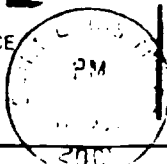
7000-0520-0025-2484-7558

PS Form 3811, July 1999

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EPA Region III

PRP Investigation & Site Information Section

1650 Arch Street

Philadelphia, PA 19103

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Return Receipt Fee (Endorsement Required)		
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<b>Total Postage &amp; Fees</b>	<b>\$</b>	

Sent To	SOLUTION, INC.
	BRENT GILHOUSEN, ASST. GEN. COUNSEL
Street, Apt. No.; or PO Box No.	575 MARYVILLE CENTRE DRIVE
City, State, ZIP+ 4	ST. LOUIS, MO 63166-6760